

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF NETLIST,
INC.'S MOTION FOR SUMMARY JUDGMENT ON SAMSUNG'S DEFENSE
OF EQUITABLE ESTOPPEL**

I, Stephen M. Payne, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Motion for Summary Judgment on Samsung’s Defense of Equitable Estoppel. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct copy of the Bench Trial Order from *Netlist v. Samsung*. See No. 2:21-cv-463, Dkt. 550.

3. Attached as **Exhibit 2** is a true and correct copy of JEDEC Manual of Organization and Procedure, JM21.

4. Attached as **Exhibit 3** are true and correct excerpts of the deposition transcript of Tobin Hobbs, dated November 15, 2023.

5. Attached as **Exhibit 4** are true and correct excerpts of the deposition transcript of Scott Milton, dated November 20, 2023.

6. Attached as **Exhibit 5** are true and correct excerpts of the deposition transcript of Mario Martinez, dated December 7, 2022.

7. Attached as **Exhibit 6** are true and correct excerpts of the deposition transcript of Mario Martinez, dated November 13, 2023.

8. Attached as **Exhibit 7** are true and correct excerpts of the deposition transcript of Hyun Lee, dated November 29, 2022.

9. Attached as **Exhibit 8** is a true and correct copy of production document PRIOR_ART-00084783.

10. Attached as **Exhibit 9** is an excerpt of a PDF printout of JEDEC-00020635.

11. Attached as **Exhibit 10** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00021960.

12. Attached as **Exhibit 11** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00021928.

13. Attached as **Exhibit 12** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00022048.

14. Attached as **Exhibit 13** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00021961.

15. Attached as **Exhibit 14** is a true and correct copy of a compilation of JEDEC Committee Webpages.

16. Attached as **Exhibit 15** is a true and correct excerpts of JESD-79-4D.

17. Attached as **Exhibit 16** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00021994.

18. Attached as **Exhibit 17** is a true and correct copy of production document .NETLIST_SAMSUNG_EDTX00022004.

19. Attached as **Exhibit 18** are true and correct excerpts of Exhibit B to the Opening Expert Report of Joseph McAlexander.

20. Attached as **Exhibit 19** are true and correct excerpts of Exhibit C to the Opening Expert Report of Joseph McAlexander.

21. Attached as **Exhibit 20** are true and correct excerpts of the Rebuttal Expert Report of Peter Gillingham.

22. Attached as **Exhibit 21** are true and correct excerpts of the transcript of the bench trial in *Netlist v. Samsung*, Case No. 2:21-cv-463, dated May 30, 2023.

23. Attached as **Exhibit 22** are true and correct excerpts of the deposition transcript of

Junseon Yoon dated November 8, 2023.

24. Attached as **Exhibit 23** are true and correct excerpts of the deposition transcript of Sungjoo Park dated November 15, 2023.

25. Attached as **Exhibit 24** are true and correct excerpts of the deposition transcript of John Halbert dated September 30, 2023.

26. Attached as **Exhibit 25** are true and correct excerpts of Exhibit A to Joseph McAlexander's Opening Expert Report.

27. Attached as **Exhibit 26** is a true and correct copy of the Opening Expert Report of John Halbert.

28. Attached as **Exhibit 27** is a true and correct copy of the web page for JESD 79-3F.

29. Attached as **Exhibit 28** is a true and correct copy of production document NETLIST_SAMSUNG_EDTX00021927.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2024, in Newport Beach, California.

By /s/ Stephen M. Payne
Stephen M. Payne